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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,335	07/05/2001	Peter Bernhard Kaars	US018099	5618

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EXAMINER

CHEA, PHILIP J

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/900,335

Applicant(s)

KAARS, PETER BERNHARD

Examiner

Philip J Chea

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/5/2001.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-8 have been examined.

#### ***Priority***

2. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on July 5, 2001 was filed after the mailing date of the 5th on July 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Specification***

4. The abstract of the disclosure is objected to because:
  - Note, the heading of the abstract should be "Abstract of the Disclosure".
  - Note line 1, a paragraph indentation should be included.
  - Note line 2, a period after network should be included.

Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

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- Note page 3, lines 2 and 6, "analyses", and page 4, paragraph 14, line 5, "analyzes", consistent language should be used.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7 and 8 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 7 and 8 refer to software that does not reside on a computer readable medium.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 7, and 8 rejected under 35 U.S.C. 102(e) as being anticipated by Ramaley et al. (U.S. 6,687,741).

6-1 As per claims 1, 7, and 8, Ramaley et al. disclose a system of controlling communication of content information from a sender to a receiver via a data network, as claimed, comprising:

- means for verifying if the content information is available from a source other than the sender (column 5, lines 51-64); and

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- means for deciding if the content information is available from the other source, substituting for the content information a pointer to the other source (column 5, lines 51-64).

Claims 7 and 8 are rejected as being software implementing the method as disclosed by Ramaley et al (see rejection above).

6-2 As per claim 2, Ramaley et al. disclose controlling communication content on request of at least the sender (column 6, lines 4-19).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7-1 Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Ramaley et al. as applied to claim 1 above, and further in view of Berghel. Although Ramaley et al. disclose substantial features of the claimed invention (discussed above), he fails to directly disclose verifying the content based on a watermark. However, these features are well known in the art and would have been an obvious modification of the system disclosed by Ramaley, as evidenced by Berghel.

In an analogous art, Berghel discloses watermarks being used as a method of authenticating a document for verification purposes (page 2, see WATERMARKS IN USE, line 1), such as claimed above.

Given the teaching of Berghel, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ramaley et al. by employing a

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verification method based on watermarks, such as disclosed by Berghel, in order to guarantee authenticity, quality, ownership, and source (page 1, see Watermarking Cyberspace, 3<sup>rd</sup> paragraph). It would have been obvious to use the fingerprinting system taught by Zabetian to verify that a particular document located at another source is the same document from the local source.

7-2 Claims 4-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Ramaley et al. as applied to claim 1 above, and further in view of Zabetian (U.S. 6,327,656).

As per claim 4, although Ramaley et al. disclose substantial features of the claimed invention (discussed above), he fails to directly disclose verifying the content based on a fingerprint of the content. However, these features are well known in the art and would have been an obvious modification of the system disclosed by Ramaley, as evidenced by Zabetian.

In an analogous art, Zabetian discloses a system that can receive and transmit electronic mail (column 2, lines 42-45), verifying the document is the one to be received by using a fingerprint (column 7, lines 21-29).

Given the teaching of Zabetian, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ramaley et al. by employing a fingerprinting method, such as disclosed by Zabetian, in order to identify and distinguish the document from other documents, even one that appear to be similar from one another (column 2, lines 4-9). It would have been obvious to use the fingerprinting system taught by Zabetian to verify that a particular document located at another source is the same document from the local source.

7-3 As per claim 5, although Ramaley et al. disclose substantial features of the claimed invention (discussed above), he fails to directly disclose the communication being carried out depending on the sender being authorized to communicate the content information. However, these features are well known in the art and would have been an obvious modification of the system disclosed by Ramaley, as evidenced by Zabetian.

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In an analogous art, Zabetian discloses a system that can receive and transmit electronic mail conditionally being carried out depending on the sender being authorized to communicate the content (column 6, lines 37-53).

Given the teaching of Zabetian, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ramaley et al. by employing a sender authorization, such as disclosed by Zabetian, in order to certify the content that is being transmitted, and be alerted of any fraudulent activity (column 6, lines 54-62).

7-4 As per claim 6, although Ramaley et al. disclose substantial features of the claimed invention (discussed above), he fails to directly disclose the communication being carried out depending on the receiver being authorized to receive the content. However, these features are well known in the art and would have been an obvious modification of the system disclosed by Ramaley, as evidenced by Zabetian.

In an analogous art, Zabetian discloses a system that can receive and transmit electronic mail depending on the receiver being authorized to receive the content information (column 11, lines 17-43).

Given the teaching of Zabetian, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Ramaley et al. by employing a receiver authorization, such as disclosed by Zabetian, in order to confirm the receiver was correctly intended (column 11, lines 53-62).

### **Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Kuzma (U.S. 5,771,355)

Kuzma (U.S. 5,781,901)

Beck et al. (U.S. 5,903,723)

Birrell et al. (U.S. 6,009,462).



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Chea whose telephone number is 703-605-1202. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Philip J Chea  
Examiner  
Art Unit 2153

PJC

  
GLENTON B. BURGESS  
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